

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO: 3:05 CV 520

GLENN A SHELTON,

Plaintiff,

vs.

THE CHARLOTTE-MECKLENBURG
HOSPITAL AUTHORITY, dba
CAROLINAS HEALTHCARE
SYSTEM, dba CAROLINAS MEDICAL
CENTER,

Defendant.

DEFENDANT’S MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56(b) of the Federal Rules of Civil Procedure, Defendant, by counsel, hereby moves for summary judgment. As more particularly described in Defendant’s Memorandum in Support of Its Motion for Summary Judgment, and the supporting documentation attached thereto, Plaintiff cannot state a claim of discrimination under the Americans with Disabilities Act, 42 U.S.C.S. § 12101 et seq. (“ADA”).

In short, Plaintiff is not protected under the ADA because she is unable to establish that she was “disabled,” “regarded as disabled,” or had “a record of a disability.” Alternatively, even if Plaintiff was legally “disabled” under the ADA, Plaintiff does not qualify for ADA protection because she was not a “qualified individual with a disability.” Finally, even if Plaintiff was covered by the ADA, Defendant satisfied

any obligation to offer Plaintiff reasonable accommodations. No genuine issues of material fact exist as to Plaintiff's claims and Defendant is entitled to judgment as a matter of law.

Based on the foregoing, Defendant, by counsel, requests the Court to enter an Order granting its Motion for Summary Judgment; dismissing Plaintiff's Complaint, with prejudice; awarding it the costs and attorneys' fees expended herein; and granting such other relief as the Court deems just and proper.

This the 30th day of October, 2006.

Respectively submitted,

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel for Plaintiff:

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